

REMARKS

The Official Action objects to the form of claims 20-21 and 41-42. These claims have been amended solely as to form and reconsideration and withdrawal of the objection are respectfully requested.

Claims 18-21 and 39-42 were rejected as unpatentable over MOURA et al. 5,818,845 in view of DILIP et al. 6,704,409. Reconsideration and withdrawal of the rejection are respectfully requested.

As to claims 18 and 39, the Official Action relies only on MOURA et al. for the rejection. The Official Action states that MOURA et al. discloses the steps of transmitting a request packet from the client to the server, where the request packet specifies in advance a priority class upon distribution of the content packet, and transmitting the content packet from the server to the client with the requested priority class, and points to claim 130 at column 32, lines 47-53.

Claim 130 is not explained in the specification of the reference (the terms "priority status" and "class of service" do not appear in the specification) and thus there is no place to turn in the reference for a more complete description. Nevertheless, claim 130 (when read in conjunction with claim 129 from which it depends) provides a network that includes a host server, clients, and network management system. The host server sends high speed data packets to the clients over a downstream

channel and the clients send lower speed data packets to the host server over an upstream channel. The network management system controls assignments of the upstream channels (the lower speed channels from the clients to the host server) to the clients based on several factors, including "a priority status signal and a class of service signal." In other words, the assignment of (low speed) upstream channels to respective clients depends on the identified factors.

However, there is no indication that these factors have any bearing on the transmission of data packets from the host to the clients over the high speed downstream channels, so there is no indication that "a priority status signal and a class of service signal" specifies a priority class upon distribution of the content packet, as required by the claim. Further, there is no indication who sent "a priority status signal and a class of service signal" and thus one cannot determine whether they were transmitted from the client to the server, as required by the claim. Further, there is no indication that the content packet is transmitted from the host server to the client with the specified "priority status signal and a class of service signal." Accordingly, MOURA et al. do not disclose or suggest the steps of claim 18 or the components of the system of claim 39, and these claims avoid the rejection under §103.

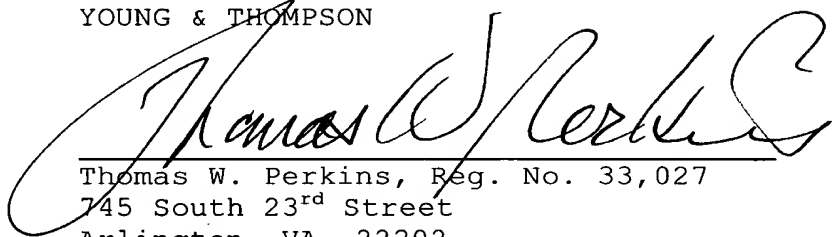
The dependent claims are allowable for the reasons given above.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A large, stylized handwritten signature in black ink, appearing to read "Thomas W. Perkins". The signature is written over a horizontal line that separates it from the printed contact information below.

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